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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 PERRY LEE LEWIS

11 Plaintiff,

12 v.

13 DENISE LUNDEEN, et al.,

14 Defendants.

No. C09-5769 BHS/KLS

**REPORT AND RECOMMENDATION
NOTED FOR: March 26, 2010**

15 This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate
16 Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates'
17 Rules MJR 1, MJR 3, and MJR 4. Plaintiff has been granted leave to proceed *in forma*
18 *pauperis*. Dkt. 3.

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20 On February 2, 2010, the court entered an Order requiring plaintiff to submit service
21 forms so that his civil rights complaint can be served. Dkt. 5. The court directed the Clerk to
22 send service forms to the Plaintiff. *Id.*, p. 1. Plaintiff was directed to fill out the forms with
23 complete addresses for the named Defendants and to return the forms so that the court can direct
24 the U.S. Marshal to serve the civil rights complaint by mail upon the named Defendants. *Id.*, p.
25 2. Plaintiff was specifically advised that his failure to return the forms to the court on or before
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1 February 26, 2010 would result in a recommendation that this action be dismissed for failure to
2 prosecute. *Id.*

3 As plaintiff has not complied with the court's order, the court now recommends this
4 action be **DISMISSED WITHOUT PREJUDICE**.

5 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
6 Procedure, the parties shall have fourteen (14) days from service of this Report and
7 Recommendation to file written objections. See also Fed. R. Civ. P. 6. Failure to file objections
8 will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140
9 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to set the
10 matter for consideration on **March 26, 2010**, as noted in the caption.
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16 Karen L. Strombom
17 United States Magistrate Judge
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